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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,257	10/18/2001	Tatsu Inoue	Q66741	5968

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

ALPHONSE, FRITZ

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,257

Applicant(s)

INOUE, TATSU

Examiner

Fritz Alphonse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuki (U.S. Pat. No. 5,929,932) in view of Eble (U.S. Pat. No. 6,480,208).

As to claim 1, Otsuki discloses a program guiding apparatus comprising: a storing device for storing program information including a category to which a program belongs (col. 2, lines 32-38); a display mode setting device for setting a display mode for displaying said program cell corresponding to said category (note in figure 4 the display mode setting; col.6, lines 40-46). In addition, Otsuki (figs. 13-15) disclose a program guiding apparatus comprises a displaying device for displaying a generated program guide on a two-dimensional screen.

Otsuki does not explicitly disclose a display priority setting device for setting a display priority level. However, this limitation is clearly disclosed by Eble (col. 1, lines 49-59).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Otsuki with the circuit for controlling display priorities, as disclosed by Eble. Doing so would enable the display of information in a temporal sequence according to different priorities, as well as simultaneously display of further information.

As to claims 9-11, Otsuki (figs. 10, 11) shows display mode of a program guiding apparatus, wherein the display priority level (i.e.; time priority and channel priority; col. 9, lines 22-32) is automatically set based on a history by a user, and wherein said display mode includes a shape, a pattern, or a color of a program cell, or combinations thereof (col. 12, lines 29-42).

As to claim 12, Otsuki (figs. 7, 10, 11) show a program guiding apparatus, wherein there are a plurality of categories (note in fig. 7, a list of categories), and wherein further said display priority level and said display mode are set for each of said plurality of categories to display program cells corresponding to said each of said plurality of categories (col. 6, lines 55-65).

As to claim 13, method claim 13 corresponds to apparatus claim 1; therefore, it is analyzed as previously discussed in claim 1 above.

3. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuki in view of Eble as applied to claim 1 above, and further in view of Ludvig (U.S. Pat. No. 6,415,437).

As to claim 2, Otsuki (figs. 1-3) shows a program guiding apparatus, comprising a displaying device (CRT 8) for displaying a generated program guide on a two-dimensional screen (see step 11, figure 3); an accepting device for accepting a selection of one of said plurality of program cells arranged on said displayed program guide (note that Otsuki (fig. 3) shows a program for accepting a selection of the program cells).

Otsuki does not explicitly teach about a generating device for generating an information display screen in a display mode related to the display mode. However, this limitation is disclosed by Ludvig (col. 4, lines 57-65; see figure 5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve upon the electronic program guides, as disclosed by Ludvig.

Doing so would provide a method for combining advertising with an interactive program guide such that a viewer can scroll through the available programming while being shown uninterrupted video sequences.

As to claim 3, Otsuki discloses a program guiding apparatus, wherein the predetermined information includes program information corresponding to the program cell (col. 16, lines 7-19).

As to claim 4, the claim differs from claim 2 by the additional limitation "a displaying device for displaying information based on a predetermined attribute related to at least one program corresponding to at least one program cell included in said designated predetermined area." However, these limitations are disclosed by Otuski (fig. 22; col. 15, lines 36-41).

4. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuki in view of Eble and further in view of Knudson (U.S. Pat. No. 6,536,041).

As to claim 5, the claim differs from claim 1 by the additional limitation "an accepting device for accepting a designation of an area including at least one program cell on said displayed program guide; and a collecting device for collecting statistics on a predetermined program attribute". However, these limitations are disclosed by Knudson (see col. 9, lines 43-46, and lines 65 through col. 10, line 5).

Therefore, it would have been obvious to one skilled in the art, at the time of the invention, to improve upon the program guide system, as disclosed by Knudson. Doing so would provide a program guide system in which unique keys may be generated to facilitate the matching of real-time data entries and the program listings with which they are associated.

As to claim 6, Otsuki (figs. 7, 10, 11) show a program guiding apparatus, wherein the collected statistics are displayed on said program guide.

As to claims 7-8, Otsuki (figs. 1, 12) disclose a program guiding apparatus, further comprises a displaying device for displaying a generated program guide on a two-dimensional screen.

Otsuki does not explicitly disclose a search device for searching for an area in which a predetermined program attribute satisfies a predetermined condition, in said program guide, and indicating said searched area in said program guide.

However, in the same field of endeavor, Knudson teaches about a program guides that allow users to display program listings in various formats to perform genre-based searches for programs of interest (col. 1, lines 13-17). See the motivation above.

Response to Arguments

5. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

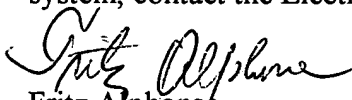
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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Fritz Alphonse

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December 21, 2004


Guy J. LAMARRE
PRIMARY EXAMINER